

Jethro M. Eisenstein (JE 6848)
PROFETA & EISENSTEIN
14 Wall Street, 22nd Floor
New York, New York 10005
Tel. No.: (212) 577-6500
Fax No.: (212) 577-6702

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OLEG MASKAEV and DENNIS
RAPPAPORT PRODUCTIONS, LTD.,

Index No.:
07 CV 3147 (DAB)

Plaintiffs,
-against-

DECLARATION OF
JETHRO M. EISENSTEIN

WORLD BOXING COUNCIL, SAMUEL
PETER, DUVA BOXING, LLC and
DON KING PRODUCTIONS, INC.,

Defendants.

JETHRO M. EISENSTEIN, for his declaration pursuant to
28 U.S.C. 1746, states as follows:

1. I am the attorney for the plaintiffs in this
action and I submit this declaration in opposition to the
motion of defendants World Boxing Council, Samuel Peter,
and Duva Boxing, LLC to dismiss the amended complaint or
to stay the proceedings in this case pending mediation and
arbitration.

2. Attached hereto as Exhibit 1 is a true copy of a World Boxing Council press release, issued in December, 2005, in which the World Boxing Council announced that Vitali Klitschko had been designated WBC world champion emeritus and would keep the right "to return to the boxing arenas as immediate mandatory official challenger if some day he would wish to come back to professional boxing."

3. Attached hereto as Exhibit 2 is a true copy of a letter from Mark A. Kirkorsky, Esq. to the WBC dated February 1, 2007 in which Mr. Kirkorsky noted that failure to enforce the obligation to comply with WBC Rule 5 against Samuel Peter would set a dangerous precedent. This letter was attached to the Declaration of Dennis Rappaport made on April 19, 2007 as Exhibit 9.

4. Attached hereto as Exhibit 3 is a true copy of the transcript of proceedings on plaintiff's motion for preliminary injunctive relief conducted on April 19, 2007 before Honorable Deborah A. Batts.



Jethro M. Eisenstein
JETHRO M. EISENSTEIN

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 16, 2007.